

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

EIGHT MILE STYLE, LLC; MARTIN
AFFILIATED, LLC,
Plaintiffs,

vs.

SPOTIFY USA INC.; HARRY
FOX AGENCY, LLC,
Defendants.

vs.

KOBALT MUSIC PUBLISHING AMERICA,
INC.,
Third-Party Defendant.

Case No. 3:19-cv-00736

District Judge Aleta A. Trauger

JURY DEMAND

**JOINT STIPULATION FOR ENTRY OF NINTH AMENDED PROPOSED INITIAL
CASE MANAGEMENT ORDER**

Pursuant to LR 16.01, Plaintiffs Eight Mile Style, LLC and Martin Affiliated, LLC, Defendants Spotify USA Inc. and Harry Fox Agency, LLC, and Third-Party Defendant Kobalt Music Publishing America, Inc. (collectively, the “Parties”) submit the following attached Ninth Amended Proposed Initial Case Management Order. This Ninth Amended Proposed Initial Case Management Order would supersede the Eighth Amended Initial Case Management Order entered on December 2, 2021 (Doc. No. 209). The Parties propose extending the dates contained in the Eighth Amended Initial Case Management Order to those listed within the attached Ninth Amended Proposed Initial Case Management Order to allow additional time for the Parties to

complete depositions related to liability. In support of this Joint Stipulation, the Parties would show to the Court that:

- The Parties have been working jointly in good faith to complete fact witness depositions and written discovery prior to the deadlines set forth in the operative Eighth Amended Initial Case Management Order (Doc. No. 209).
- The Parties have complied with the substantial completion deadline for exchange of documents and electronically stored information.
- The Parties have conducted the depositions of twenty (20) fact and 30(b)(6) witnesses, often involving multiple days of testimony for a given deponent for a total of twenty eight days of testimony. Further, the Parties have scheduled four more depositions, and are exchanging dates for the remaining fact and 30(b)(6) witnesses.
- The Parties are continually working to schedule the remaining fact and 30(b)(6) witnesses, but given the scheduling obligations of the witnesses and preexisting obligations of counsel, the Parties cannot complete the remaining depositions prior to the current close of fact depositions.
- The Parties believe in good faith that the deadlines proposed in the attached Ninth Amended Proposed Initial Case Management Order will give sufficient time to complete the remaining depositions.

Therefore, the Parties respectfully request the Court enter the attached Ninth Amended Proposed Initial Case Management Order.

Respectfully Submitted,

Dated: March 18, 2022

By: /s/ Richard S. Busch

Richard S. Busch (TN Bar # 14594)
Drew H. Davis (TN Bar # 034203)
Max. D. Fabricant (TN Bar #
038956)
KING & BALLOW
315 Union Street, Suite 1100
Nashville, TN 37201
Telephone: (615) 726-5422
Facsimile: (615) 726-5417
rbusch@kingballow.com

Attorney for Plaintiffs

By: /s/ Brian D. Caplan

Timothy L. Warnock (BPR #12844)
Keane A. Barger (BPR #33196)
Riley Warnock & Jacobson, PLC
1906 West End Avenue
Nashville, Tennessee 37203
Telephone: (615) 320-3700
twarnock@rwjplc.com
kbarger@rqwjplc.com

Brian D. Caplan
Robert W. Clarida
Reitler Kailas & Rosenblatt
LLC 885 Third Avenue, 20th
Floor New York, New York
20022 Telephone: (212) 209-
3050 bcaplan@reitlerlaw.com
rclarida@reitlerlaw.com

*Attorneys for Third-Party Defendant
Kobalt Music Publishing America, Inc.*

By: /s/ Lauren E. Kilgore

Jay S. Bowen (BPR #02649)
Lauren E. Kilgore (BPR #030219)
Shackelford, Bowen, McKinley & Norton,
LLP
1 Music Circle South, Suite 300
Nashville, TN 37203
Telephone: (615) 329-4440

By: /s/ Marie T. Scott

Aubrey B. Harwell III (BPR #017394)
Marie T. Scott (BPR # 032771)
NEAL & HARWELL, PLC 1201
Demonbreun Street, Suite 1000
Nashville, Tennessee 37203
Telephone: (615) 244-1713
Facsimile: (615) 726-0573
tharwell@nealharwell.com
mscott@nealharwell.com

Matthew D. Ingber (*pro hac vice*)
Rory K. Schneider (*pro hac vice*)
Allison Aviki (*pro hac vice*)
MAYER BROWN LLP
1221 Avenue of the Americas
New York, NY 10020
Telephone: (212) 506-2500
mingber@mayerbrown.com
rschneider@mayerbrown.com
aaviki@mayerbrown.com

Andrew J. Pincus (*pro hac vice*)
Archis A. Parasharami
MAYER BROWN LLP
1999 K Street, N.W.
Washington, D.C. 20006
Telephone: (202) 263-3328
apincus@mayerbrown.com
aparasharami@mayerbrown.com

Allison L. Stillman (*pro hac vice*)
LATHAM & WATKINS LLP
885 Third Avenue
New York, New York 10022
Telephone: (212) 906-1200
alli.stillman@lw.com

Carey R. Ramos (*pro hac vice*)
Kathleen M. Sullivan (*pro hac vice*)
Cory Struble (*pro hac vice*)
Rachel E. Epstein (*pro hac vice*)
Mario O. Gazzola (*pro hac vice*)
QUINN EMANUEL URQUHART &
SULLIVAN, LLP

jbowen@shackelford.law
lkilgore@shackelford.law

Attorneys for Harry Fox Agency, LLC

51 Madison Avenue, 22nd Floor
New York, NY 10010
Telephone: (212) 895-2500
kathleensullivan@quinnemanuel.com
careyramos@quinnemanuel.com
corystruble@quinnemanuel.com

Thomas C. Rubin (*pro hac vice*)
QUINN EMANUEL URQUHART &
SULLIVAN, LLP
600 University Street, Suite 2800
Seattle, WA 98101
Telephone : (206) 905-7000
tomrubin@quinnemanuel.com

Attorneys for Spotify USA Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed electronically on March 18, 2022 with the Clerk of the Court using the CM/ECF system. Notice of this filing will be sent to all parties and counsel of record by operation of the Court's CM/ECF system. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

Timothy L. Warnock
Keane A. Barger
RILEY WARNOCK & JACOBSON, PLC
1906 West End Avenue
Nashville, Tennessee 37203
Telephone: (615) 320-3700
twarnock@rwjplc.com
kbarger@rwjplc.com

Richard S. Busch (TN Bar # 14594)
Drew H. Davis (TN Bar # 034203)
Max. D. Fabricant (TN Bar # 038956)
KING & BALLOW
315 Union Street, Suite 1100
Nashville, Tennessee 37201
Telephone: (615) 726-5422
Facsimile: (615) 726-5417
rbusch@kingballow.com

Brian D. Caplan
Robert W. Clarida
Julie Wlodinguer
REITLER KAILAS & ROSENBLATT LLC
885 Third Avenue, 20th Floor
New York, New York 20022
Telephone: (212) 209-3050
bcaplan@reitlerlaw.com
rclarida@reitlerlaw.com
jwlodinguer@reitlerlaw.com

Andrew Hunt Davis
KING & BALLOW
628 Westcott Lane
Nolensville, Tennessee 37135
Telephone: (615) 838-1438
ddavis@kingballow.com

Kara F. Sweet
U.S. Attorney's Office
Middle District of Tennessee
110 Ninth Avenue South
Suite A961
Nashville, Tennessee 37203
Telephone: (615) 401-6598
Kara.sweet@usdoj.gov

James F. Blumstein
Vanderbilt University
131 21st Avenue South
Nashville, Tennessee 37203
Telephone: (615) 322-4964
james.blumstein@vanderbilt.edu

Jay S. Bowen
Lauren E. Kilgore
Jacob T. Clabo
SHACKELFORD BOWEN MCKINLEY &
NORTON, LLP
1 Music Circle South, Suite 300
Nashville, Tennessee 37203
Telephone: (615) 329-4440
jbowen@shackelford.law
lkilgore@shackelford.law
jclabo@shackelford.law

Kathleen M. Sullivan (*pro hac vice*)
Carey R. Ramos (*pro hac vice*)
Cory Struble (*pro hac vice*)
QUINN EMANUEL URQUHART &
SULLIVAN, LLP
51 Madison Avenue
22nd Floor
New York, New York 10010
(212) 895-2500 (Telephone)
kathleensullivan@quinnemanuel.com
careyramos@quinnemanuel.com
corystruble@quinnemanuel.com

Rachel Elizabeth Epstein
Mario G. Gazzola
QUINN EMANUEL URQUHART &
SULLIVAN, LLP
51 Madison Avenue
22nd Floor
New York, New York 10010
(212) 895-2500 (Telephone)
rachelepstein@quinnemanuel.com
mariogazzola@quinnemanuel.com

Matthew D. Ingber (*pro hac vice*)
Rory K. Schneider (*pro hac vice*)
Allison Aviki (*pro hac vice*)
MAYER BROWN LLP
1221 Avenue of the Americas
New York, New York 10020
(212) 506-2500 (Telephone)
(212) 262-1910 (Facsimile)
mingber@mayerbrown.com
rschneider@mayerbrown.com

Chris M. LaRocco
Matias Gallego-Manzano
BRYAN CAVE LEIGHTON PAISNER LLP
1290 Avenue of the Americas
New York, New York
Telephone: (212) 541-2000
chris.larocco@bclplaw.com
matias.gallego-manzano@bclplaw.com

Thomas C. Rubin (*pro hac vice*)
QUINN EMANUEL URQUHART &
SULLIVAN, LLP
600 University Street
Suite 2800
Seattle, Washington 98101
(206) 905-700 (Telephone)
tomrubin@quinnemanuel.com

Allison L. Stillman
LATHAM & WATKINS, LLP
1271 Avenue of the Americas
New York, New York 10020
(212) 906-1200 (Telephone)
Alli.stillman@lw.com
Attorney for Defendant and Third-Party Plaintiff
Spotify USA, Inc.

Andrew J. Pincus (*pro hac vice*)
Archis A. Parasharami (*pro hac vice*)
MAYER BROWN LLP
1999 K Street, N.W.
Washington, District of Columbia 20006
(202) 263-3328 (Telephone)
apincus@mayerbrown.com
aparasharami@mayerbrown.com

Keane A. Barger
Timothy L. Warnock
Riley, Warnock & Jacobson
1906 West End Avenue
Nashville, TN 37203
(615) 320-3700
Fax: (615) 320-3737
Email: kbarger@rwjplc.com
Email: twarnock@rwjplc.com

Julie B. Wlodinguer
Robert W. Clarida
Reitler Kailas & Rosenblatt, LLC
885 Third Avenue
New York, NY 10022
(212) 209-3050
Email: jwlodinguer@reitlerlaw.com
Email: rclarida@reitlerlaw.com

/s/ Marie T. Scott